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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. CR 11-00225 DDP
	)	
Plaintiff,	)	ORDER RE MOTION TO REDUCE
	)	SENTENCE
v.	)	
	)	[DOCKET NUMBERS 37, 38 ]
	)	
RODOLFO MORENO HERRERA,	)	
	)	
Defendants.	)	
	)	
	)	

Defendant has moved pro se pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines to have his sentence reduced. Defendant's motions fail because he was sentenced to the applicable mandatory minimum term of imprisonment. See *United States v. Augustine*, 712 F.3d 1290, 1295 (9th Cir. 2013), cert. denied, 134 S. Ct. 297 (2013) ("The district court . . . may not impose a sentence below applicable . . . mandatory minimums" even if "Guidelines amendments lowered the range applicable" to the defendant); see also *United States v. Sykes*, 658 F.3d 1140, 1148 (9th Cir. 2011) ("Because the mandatory statutory minimum sentence of 120 months applied to [defendant] in his §

1 3582(c)(2) sentence modification proceeding, the district court in  
2 that proceeding lacked the discretion to reduce [his] sentence  
3 below 120 months."). Accordingly, Defendants motions are DENIED.

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5 IT IS SO ORDERED.



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8 Dated: May 6, 2016

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DEAN D. PREGERSON  
United States District Judge